

Message Text

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ACTION ARA-10

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FM AMEMBASSY SAN SALVADOR

TO SECSTATE WASHDC IMMEDIATE 6842

INFO AMEMBASSY TEGUCIGALPA IMMEDIATE

C O N F I D E N T I A L SAN SALVADOR 4549

E.O. 11652 - GDS

TAGS: PFOR, ES, HO

SUBJ: HONDURAS/SALVADOR DISPUTE

REF: STATE 253496

1. PURSUANT REFTTEL'S INVITATION TO COMMENT, WE SUBMIT FOLLOWING FOR DEPARTMENT'S CONSIDERATION. WE BELIEVE DEPARTMENT HAS CORRECTLY IDENTIFIED THE FUNDAMENTAL ISSUE, I.E., WHETHER GOH INVOCATION OF BOGOTA PACT WOULD BE COMPATIBLE WITH A RESUMPTION OF NEGOTIATIONS WITH GOES OUTSIDE OF THAT PACT. OUR PERCEPTION OF GOES POSITION, DOES NOT RPT NOT ENCOURAGE US TO EXPECT THAT GOES WILL CONSIDER THE TWO COMPATIBLE.

2. TO BEGIN WITH, GOES WOULD NOT AGREE TO RESUME NEGOTIATIONS UNDER ANY TERMS OF REFERENCE WHICH COULD BE CONSTRUED AS BINDING THEM TO ACCEPT THIRD PARTY DETERMINATIONS FOR SETTLEMENT OF THE DISPUTE WHETHER BY MEDIATION, ARBITRATION, ADJUDICATION OR WHATEVER. IN ITS VIEW, TO DO SO WOULD BE CONSTITUTIONALLY IMPERMISSIBLE AND POLITICALLY UNTENABLE. SO LONG AS A RECOGNIZABLE LOSS OF TERRITORY IS AT STAKE, IT IS FOR THIS REASON THAT IT WITHDREW FROM BOGOTA PACT.

3. WHILE IT MAY BE POSSIBLE IN GOH POINT OF VIEW FOR IT TO INVOKE BOGOTA PACT FOR DOMESTIC POLITICAL REASONS WITHOUT THE EXPECTATION

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OF CONTINUING UTILIZATION OF ANY OF THE PROCEDURES SPELLED OUT IN

THE PACT SO THAT IT MIGHT, IN THE MEANTIME, PURSUE NEGOTIATIONS WITH GOES OUTSIDE OF THE PACT (AS SURMISED IN PARA 3 OF REFTTEL), THIS KIND OF STRATEGY APPEARS TO BE NAIVELY CONCEIVED INsofar AS PROBABLY GOES REACTION.

A. IN THE FIRST PLACE, THE GOES CAN BE EXPECTED TO HAVE SERIOUS MISGIVINGS ABOUT NEGOTIATING UNDER SUCH CIRCUMSTANCES IF THEY IMPLY TACIT ACCEPTANCE OF BOGOTA PACT OBLIGATIONS. AS A MINIMUM, IT WOULD MOST CERTAINLY PROCLAIM BEFOREHAND ITS REFUSAL TO RECOGNIZE THAT IT HAS ANY RESIDUAL OBLIGATIONS UNDER THE PACT AFTER NOVEMBER 26.

B. SECONDLY, WE PRESUME THAT THE GOES WOULD BE RELUCTANT TO RESUME NEGOTIATIONS IF GOH INVOKES BOGOTA PACT, EVEN IF IT DOES SO ONLY ON TECHNICAL LEGAL GROUNDS, EITHER BECAUSE GOES WOULD PERCEIVE THE INVOCATION AS A COERCIVE MEASURE OR WOULD FEAR POLITICAL OPPOSITION CHARGES THAT IT IS NEGOTIATING UNDER COERCION.

C. THIRDLY, IT IS DIFFICULT TO PERCEIVE OF GOH INVOKING PACT OUT OF DOMESTIC POLITICAL NECESSITY AND AT SAME TIME FOREGOING RE-COURSE TO SOME SORT OF INTERNAL PUBLICITY TO RATIONALIZE ITS POSITION IN ORDER TO REAP POLITICAL BENEFIT. INEVITABLY, GOES WOULD HAVE COMPARABLE DOMESTIC POLITICAL REQUIREMENT TO UNDERTAKE COUNTER-PUBLICITY MEASURES TO PROTECT ITS INTERESTS. THE RISK OF RECRIMINATORY POLEMICS DEVELOPING OVER WHETHER THE BOGOTA PACT IS BINDING OR NOT IS VERY GREAT AND UNDER SUCH CIRCUMSTANCES THE POLITICAL ATMOSPHERE WOULD NOT BE CONDUCIVE TO PURSUIT OF BILATERAL NEGOTIATIONS.

D. FINALLY, WE WOULD EXPECT SERIOUS DOUBT TO RECUR ON PART OF GOES AS TO THE GOOD FAITH OF THE BOTHER PARTY, WERE GOH TO INVOKE BOGOTA PACT. CERTAINLY, THAT ELEMENT, WITHIN GOES WHICH HAS CHALLENGED GOH'S GOOD FAITH IN PREVIOUS NEGOTIATING SESSIONS (MOST RECENTLY AFTER GOH REPUDIATED MEDIATION PROPOSAL) WILL EXPLOIT SUCH ACTION OF GOH TO ARGUE FORCEFULLY AGAINST RESUMPTION OF NEGOTIATIONS.

4. THUS, WE DO NOT PERCEIVE PROPOSED GOH COURSE OF ACTION AS BEING VERY REALISTIC AS FAR AS MOVING ITSELF AND GOES CLOSER TO SETTLEMENT OF THE DISPUTE. WHILE WE HAVE NO SOLUTIONS TO SUGGEST WHICH THE CONFIDENTIAL

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DEPARTMENT MIGHT PUT BEFORE THE OAS COMMITTEE OF SEVEN, (OTHER THAN THE HOPE THAT THE TWO PARTIES WOULD RETURN TO THE NEGOTIATING TABLE SOONEST), IT APPEARS EVIDENT THAT THE COMMITTEE'S CHANCES OF GETTING THE DISPUTANTS TO RESUME NEGOTIATIONS WOULD BE PREJUDICED WERE THE GOH TO INVOKE THE BOGOTA PACT.

5. DURING LAST COUPLY OF DAYS I SPOKE BRIEFLY TO FONMIN BORGONOVO AT RECEPTIONS AT INTERNATIONAL FAIR. BORGONOVO IS AWARE THAT

GOH DELEGATION WILL MEET WITH COMMITTEE OF SEVEN ON NOV 20 TO
REPORT STATUS OF NEGOTIATIONS. HE TOLD ME GOES IS TAKING WAIT-
AND-SEE ATTITUDE. AMBASSADOR BETRAND GALINDO HAS BEEN HERE LAST
FEW DAYS AND IS TO RETURN TO WASHINGTON ON NOVEMBER 20. BOTH
COSTA RICAN PRESIDENT ODUBER AND GENERAL SOMOZA ARE HERE THIS
WEEKEND TO PARTICIPATE IN THEIR COUNTRY'S NATIONAL DAY AT THE
FAIR AND PROBABLY HAVE BEEN DISCUSSING STATE OF SALVADOR/HONDURAN
RELATIONS WITH PRESIDENT MOLINA AND HIS ADVISORS.
CAMPBELL

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